

FEB 26 2002

PTO/SB/21 (6-98)

Please type a plus sign (+) inside this box → ☒

Approved for use through 09/30/2000, OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

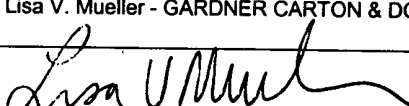
Application Number	09/922;139
Filing Date	August 3, 2001
First Named Inventor	Blair Winner
Group Art Unit	1661
Examiner Name	n/a
Attorney Docket Number	BAL6019P0331US

Total Number of Pages in This Submission: **ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):  <b>Response to Missing Parts, an executed Declaration and Power of Attorney document, a check in the amount of \$130.00, a cert. of mailing and return postcard.</b>
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Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Lisa V. Mueller - GARDNER CARTON & DOUGLAS
Signature	
Date	February 11, 2002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: February 11, 2002

Typed or printed name Carol E. Arellano

Signature



Date

February 11, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT****\$130.00****Complete if Known**

Application Number	09/922,139
Filing Date	August 3, 2001
First Named Inventor	Blair Winner
Examiner Name	n/a
Group Art Unit	1661
Attorney Docket No.	P1580USA formerly BAL6019P0331US

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

07-0181

Deposit  
Account  
Name

Gardner Carton &amp; Douglas

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR §§ 1.16 and 1.17

- ☐
- Applicant claims small entity status.
- 
- See 37 CFR § 1.27

- 2.
- ☒
- Payment Enclosed:

- ☒
- Check
- ☐
- Credit card
- ☐
- Money
- 
- Order
- ☐
- Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Fee Fee Fee Fee Description  
Code (\$) Code (\$) Code (\$) Code (\$) Code (\$)

101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
0	-20** = 0	X	0.00
0	-3** = 0	X	0.00
0			

Large Entity Small Entity

Fee Fee Fee Fee Fee Description  
Code (\$) Code (\$) Code (\$) Code (\$) Code (\$)

103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

\$0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non - English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR § 1.17(q)	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

\$130.00

**SUBMITTED BY**

Name

Lisa V. Mueller

Registration No.  
(Attorney/Agent)

38,978

Complete (if applicable)

Telephone

312-644-3000

Signature

Date

February 11, 2002

**WARNING:** Information on this form may become public. Credit card information should not be included in this form. Provide credit card information and authorization in a separate communication.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY OF PAPERS  
ORIGINALLY FILED

In re Application of: B. Winner

Examiner: n/a

Serial No.: 09/922,139

Group Art Unit: 1661

Filed: August 3, 2001

New Atty. Docket No. P1580USA (formerly  
BAL6019P0331US)

Entitled: MARIGOLD HYBRID 50011

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Box: MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231


Dear Sir:

In response to the Notice to File Missing Parts mailed on January 7, 2002, enclosed are the following documents:

1. An executed Declaration and Power of Attorney document and
2. A copy of the Notice to File Missing Parts

A check in the amount of \$130.00 is enclosed for the requisite fee. Please charge any additional fee deficiencies or credit any overpayments to the Deposit Account of GARDNER CARTON & DOUGLAS, Account No. 07-0181.

Respectfully submitted,



Lisa V. Mueller  
Reg. No. 38,978

Date: February 11, 2002

Attorney for the Applicant  
GARDNER CARTON & DOUGLAS  
321 N. Clark Street  
Suite 3300  
Chicago, IL 60610-4795  
Ph: 312-644-3000  
Fx: 312-644-3381  
CH02/22171656.1



COPY OF PAPERS  
ORIGINALLY FILED

## Certificate of Mailing under 37 CFR § 1.8

I hereby certify that this Response to Missing Parts enclosures are being deposited on **February 11, 2002** with the United States Postal Services with sufficient postage as first class mail in an envelope addressed to:

BOX: MISSING PARTS  
Commissioner for Patents  
Washington, D.C. 20231

Signature

Carol E. Arellano

Typed or printed name of person signing Certificate

For: MARIGOLD HYBRID 50011

Serial No.: 09/922,139

Enclosed:

1. Transmittal Sheet (1 pg.)
2. Fee Sheet (in duplicate)
3. Reponse to Missing Parts Letter (1 pg.)
4. Executed Declaration and Power of Attorney (2 pgs.)
5. A copy of the Notice to File Missing Parts (1 pg.)
6. Change of Correspondence Address (1 pg.)
7. Check No. 351402 in the amount of \$130.00 (1 pg.)
8. A return postcard

Attorney Docket No. P1580USA



UNITED STATES PATENT AND TRADEMARK OFFICE



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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/922,139	08/03/2001	Blair Winner	BAL6019P0331US

01942  
ROCKEY, MILNAMOW & KATZ, LTD.  
TWO PRUDENTIAL PLAZA, STE. 4700  
180 NORTH STETSON AVENUE  
CHICAGO, IL 60601

CONFIRMATION NO. 7439

FORMALITIES LETTER



\*OC000000007272239\*

Date Mailed: 01/07/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

7102  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/04/2002 EEKUBAY1 00000127 09922139

01 FC:105

130.00 OP